

Leigh-Davis Glass  
 Reg. no. 24821-112  
 Federal Prison Camp--FCC Victorville  
 P.O. Box 5100  
 Adelanto, CA 92301

For the Petitioner

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

CV 08

1585

Leigh-Davis Glass,  
 Petitioner,

No. \_\_\_\_\_

(PR)

v.

Robert E. McFadden, Regional Director;  
 Federal Bureau of Prisons; Tereser  
 A. Banks, Warden; and Michael  
 Mukasey, U.S. Attorney General,  
 Respondents.

URGENT

PETITION FOR A  
 WRIT OF  
 HABEAS CORPUS

[28 U.S.C. § 2241]

(ALTERNATIVELY, FOR A WRIT OF ERROR  
 CORAM NOBIS, (Page 4))

Comes now Ms. Leigh-Davis Glass, who petitions for  
 a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, and  
 requests that it be heard on an URGENT basis.

This matter is URGENT, because as described  
 herein, Ms. Glass suffers from fatal health issues, and  
 is admittedly incarcerated illegally, by the trial judge.

1 Currently, Ms. Glass is incarcerated illegally for  
2 the third (3<sup>rd</sup>) time, by the same Judge who "bragged,"  
3 in open court about incarcerating Ms. Glass illegally.  
4 A true and correct copy of the 12-2-03 Transcript  
5 where the Judge brags, "you are being held illegally" is  
6 attached as EXHIBIT "A" and is incorporated herein by  
7 this reference.

8 Shockingly, Ms. Glass is the ONLY "citizen"  
9 in the United States to have the right to petition for a  
10 writ of habeas corpus, suspended. Even more shocking,  
11 Ms. Glass is the ONLY person in the entire history of  
12 the United States of America's 231 year history, to  
13 have the right unilaterally suspended by a sole district  
14 court judge; all in violation of the U.S. Constitution,  
15 article I, Section 9, Clause 2.

16 Ms. Glass is incarcerated illegally. Ms. Glass  
17 suffers from chronic illness; and has fought cancer,  
18 which has not been resolved. Currently, the prison is  
19 not providing Ms. Glass with the necessary medication  
20 and medical care that she needs. Thereby, this petition  
21 is an urgent matter.

22 Ms. Glass has filed OVER twenty (20)  
23 petitions for a writ of habeas corpus; all of which  
24 have been destroyed and disappeared, or were  
25 suspended by the same judge that incarcerated Ms.  
26 Glass illegally. Based on information and belief, this  
27 Judge destroyed Ms. Glass' petitions, because he  
28 wishes Ms. Glass to remain illegally incarcerated.

Pursuant to § 2241, Ms. Glass challenges both her incarceration as being illegal, and also, the way in which her sentence is implemented. (See, U.S. v. Espinoza, 866 F.2d 1067, 1069-71 (9th Cir. 1988) (Claim for presentence jail credits not cognizable in Section 2255 action.)). Further, Ms. Glass claims actual innocence.

### PARTIES

① ROBERT E. McFADDEN, Regional Director

② FEDERAL BUREAU OF PRISONS

③ TERESER A. BANKS, Warden

④ MICHAEL MUKASEY, Attorney General

### ADDRESSES

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### VENUE & JURISDICTION

This court has jurisdiction pursuant to 28 U.S.C. § 2241. MS. GLASS IS CURRENTLY INCARCERATED, AND NOT ONLY CHALLENGES CUSTODY, BUT ALSO, BOP POLICY. MS. GLASS HAS EXHAUSTED THE ADMINISTRATIVE REMEDY PROCEDURES, AND MR. McFADDEN, REGIONAL DIRECTOR, HAS DENIED HER REQUESTS FOR EARLY RELEASE, AND ALSO, IMMEDIATE HALFWAY HOUSE PLACEMENT. PURSUANT TO § 2241, MR. McFADDEN IS SUBJECT TO THE JURISDICTION OF THIS COURT; AND SUPPLEMENTAL JURISDICTION, PURSUANT TO 28 U.S.C. § 1367, COVERS THE OTHER PARTIES. SEE, Rasul v. Bush, 124 S. Ct. 2686, 2695 (U.S. 2004).



NOTICE OF URGENCY

Ms. Glass is serving an entirely illegal sentence of 78 months. She is scheduled to be released in 18 months. If this court does not take immediate action, Ms. Glass will be left without remedy.

Additionally, Ms. Glass argues herein, she is entitled to 1 year of credit for presentence time served (CLAIM 15,) and she is entitled to immediate release to a halfway house (CLAIM 11.)

Most importantly, as detailed herein and on Page 2, paragraph 3, Ms. Glass has fatal health issues that the prison has not been able to care for.

For all of the foregoing reasons, this Petition must be heard on an URGENT basis.

ALTERNATIVELY, CONSTRUER THIS AS A PETITION FOR A WRIT OF ERROR CORAM NOBIS

Alternatively, Ms. Glass argues, this Court has jurisdiction to hear this matter as a petition for a Writ of Error Coram Nobis, because there is no other remedy available to Ms. Glass, if this case is transferred back to the trial court. This is the highly unusual case, where the trial judge has repeatedly "bragged" (on and off the record,) that he intentionally incarcerated Ms. Glass illegally. SEE, EXHIBIT "A." Then, in violation of Ant. I, Sec. 9, Cl. 2, of the U.S. Constitution, this same judge illegally suspended Ms. Glass' right to the writ of habeas corpus. U.S. v. Riedl, 496 F.3d 1003, 1005 (9th cir. 2007) (The Writ of Error Coram Nobis is a "highly unusual remedy, available only to correct grave injustices in a narrow range of cases where no conventional remedy is applicable."); ACCORD, Hirabayashi v. U.S., 828 F.2d 591, 604 (9th cir. 1987). It is "silly" to think, a judge who has intentionally caused an illegality, would reverse himself.

## CLAIMS

ONE - After numerous requests, I was denied my 6<sup>th</sup> Amendment, (hereinafter "A.,"), right to counsel at sentencing. I was denied a presentence investigation. In violation of 5<sup>th</sup> A. due process, I was sentenced on a false PSR, to which none of the disputed facts were ruled on by the court.

TWO - I was denied my 6<sup>th</sup> A. right to the compulsory process to obtain witnesses. After numerous requests, not a single witness was subpoenaed, and I was left with no witnesses at Trial and Sentencing.

THREE - The District Court lacked jurisdiction, and admitted this in ruling on my F.R.C.P. 34 motion to arrest judgment. A true and correct copy of the 11-17-04 Order where the District Court rules, "the Court does not have jurisdiction of any of the charged offenses" is attached as EXHIBIT "B" and is incorporated by this reference.

The Government, (Hereinafter "Gov.,"), waived arguing jurisdiction, when it did not oppose Ms. Glass' motion, nor the Court's ruling. The District Court lacked jurisdiction because, among other things, the District Court was divested of jurisdiction on 10-4-04, when a double jeopardy appeal was filed (U.S. v. Glass, SA CR 02-331 DOC, DKT 253, 10-4-04, 9<sup>th</sup> CIR. APPEAL NO. 04-50486). Also, as set forth INFRA, (in CLAIMS 6 AND 7,) the charges did not constitute a criminal offense. Additionally, none of the alleged illegal conduct occurred in the Central District

1 of California.

2 FOUR—The Speedy Trial Act was violated, and  
 3 this case was required to be dismissed, pursuant to 18  
 4 U.S.C. § 3162(a)(2). Further, there has been a change in the  
 5 law: Defendants cannot waive the Speedy Trial Act. See,  
 6 Zedner v. U.S., No. 05-5992, 79 Cr.L.270, 547 U.S. —,   
 7 126 S.Ct. 1976, 164 L.Ed.2d 749 (U.S. 6/5/2006).

8 Lastly, I was denied my right to equal protection  
 9 under the law, when Judge Carter, (knowing the law  
 10 required him to dismiss the indictment,) refused to rule  
 11 on my Motion to Dismiss Due to Violation of the Speedy  
 12 Trial Act. This motion remains pending and has NEVER  
 13 been ruled on. See, the following docket entries:

14 ★DKT 218, 9-27-04--District Court stated it was delaying ruling;  
 15 ★DKT 238, 10-4-04--District Court again delayed ruling;  
 16 ★Subsequently, the District Court refused to rule, and  
 17 to date, there has been no ruling.

18 FIVE—I was denied my 6<sup>th</sup> A. right of  
 19 confrontation, because I was NOT allowed to cross-examine  
 20 a single witness at trial AND sentencing.

21 SIX—My conduct did NOT amount to a  
 22 criminal offense. The District Court refused to rule on  
 23 this part of my F.R.Cr.P. 34 motion, and the Gov. did not  
 24 oppose. SEE, EXHIBIT "B". Further, in violation of 5<sup>th</sup> A.  
 25 due process, the Gov. impermissibly amended the entire  
 26 indictment and charged me with five (5) completely  
 27 different charges at trial.

28



Without notice, at trial, the Gov. argued the following charges:

COUNT 1 Forgery

COUNT 2 Forgery

COUNT 3 18 U.S.C. § 1014-False Statement to a Bank

COUNT 4 18 U.S.C. § 1014-False Statement to a Bank

COUNT 5 18 U.S.C. § 1623(c)-Inconsistent Declarations.

SEVEN— In violation of 5<sup>th</sup> A. due process,

there was insufficient evidence to convict me, and the

District Court acknowledged this in ruling on my F.R.C.P.

29 Motion for Judgment of Acquittal. SEE, EXHIBIT "B".

The District Court ruled that I was being convicted

under a theory of default, and without any evidence or

findings of facts, stated, "the Court finds that defendant

had consciously chosen not to participate in proceedings."

(SEE, EXHIBIT "B"). Certainly, a criminal judgment by

default is unconstitutional, because "beyond a reasonable

doubt" is the minimum standard of proof.

Further, the Gov. waived arguing in opposition

of insufficient evidence, when it did not oppose my

motion, nor the Court's ruling.

Moreover, the jury verdict is void, because the

Court used an improper standard of proof, when it

instructed the jury to convict me based on default.

Furthermore, in COUNTS 1 and 2, neither did

the indictment charge the element of an oath, nor did the

Gov. argue at trial, the element of an oath. It is

indisputable, COUNTS 1 and 2 must be dismissed with prejudice,

because the U.S. Supreme Court has clarified, 18 U.S.C. § 1623

1 does NOT apply to cases where declarations are executed  
 2 in unknown places, and then, later made ~~a~~ part of the  
 3 court's record. Dunn v. U.S., 442 U.S. 100, 113, 99 S.Ct. 2190,  
 4 2197, 60 L.Ed.2d 743, 754 (U.S. 1979) (Congress' intent was that  
 5 §1623 would NOT "encompass statements made in contexts  
 6 less formal than a deposition.") (EMPHASIS ADDED).

7 Also, it is indisputable, COUNT 5 MUST be  
 8 dismissed with prejudice, because the Declaration is  
 9 true. At trial, the Gov. failed to argue that I was under  
 10 oath; how the statement was material; or that no "third  
 11 party" was involved. Rather, the Gov. argued that Megan  
 12 Clevenger never made arrangements with me. The  
 13 Declaration said, I made arrangements with "a third  
 14 party," and the Gov. did not even try to prove: NO THIRD  
 15 PARTY WAS INVOLVED.

16 Additionally, COUNTS 3 and 4 do not charge a  
 17 criminal offense, because the indictment does not allege,  
 18 and the Gov. did not argue, facts supporting a "scheme or  
 19 artifice to defraud," nor Ms. Glass' intent "to obtain moneys;"  
 20 as required by 18 U.S.C. § 1344. Further, the Gov. utterly  
 21 failed to argue that either bank was FDIC insured, which  
 22 is a necessary jurisdictional element.

23 EIGHT — In violation of <sup>the</sup> 6<sup>th</sup> A., I was  
 24 denied a public trial when proceedings were held at  
 25 midnight and later, while the courthouse doors were locked.  
 26 When on 10-7-04, in my absence, the Judge let the jury  
 27 in, and then, made slanderous comments about me; I was  
 28 denied a fair trial, as well as, the right to be present. (SEE,



1 10-7-04 A.M. TRANSCRIPT). Additionally, I was denied a public  
2 trial when: the Judge repeatedly based his rulings on  
3 extraneous evidence that he obtained secretly, through  
4 extrajudicial affairs; and also, when the Judge engaged in  
5 ex parte communications with the prosecutor, including  
6 ex parte sidebars that were subsequently sealed.

7 NINE — I was denied trial counsel and  
8 appellate counsel. At sentencing, I was not advised of my  
9 right to appeal. (SEE, TRANSCRIPT of sentencing hearing on  
10 3-23-05). Further, the Judge purposefully delayed transcript  
11 production, in order to impede my appeal.

12 TEN — There has been a change in the law,  
13 which makes it mandatory for a judge to consider 18 U.S.C.  
14 § 3553(a) factors. (SEE, U.S. v. Zavala, (per curiam), 443  
15 F.3d 1165 (9th Cir. 2006)). In my case, the Judge refused to  
16 consider a single § 3553(a) factor; orally ruling, "there  
17 is nothing outside of the heartland." (SEE, 3-23-05  
18 TRANSCRIPT).

19 ELEVEN — There has been a change in  
20 the law, which bars the Bureau of Prisons ("BOP") from  
21 limiting halfway house placement to six (6) months. (SEE,  
22 Fults v. Sanders, 442 F.3d 1088, 79 CrL 86, No. 05-3490 (8th Cir.  
23 4/6/06); ACCORD, Goldings v. Winn, 383 F.3d 17, 75 CrL 612 (1st  
24 Cir. 2004); ACCORD, Woodall v. Federal Bureau of Prisons, 432 F.3d  
25 235, 78 CrL 339 (3d Cir. 2005); ACCORD, ELWOOD v. JETER, 386  
26 F.3d 842 (8th Cir. 2004)). However, the BOP refuses to follow  
27 the new law, and using old law, continues to deny my  
28 transfer to a halfway house.

1 TWELVE — In violation of 5<sup>th</sup> A. due  
2 process, I was denied experts and necessities of my  
3 defense, including, but not limited to: transcripts;  
4 subpoena of documents and witnesses; and access/copies  
5 of the court record. (In fact, there was NO official record  
6 in the courthouse, because it was checked out to the Ninth  
7 Circuit for nearly all of 2004.)

8 THIRTEEN — My equal protection rights and  
9 the 5<sup>th</sup> A. is violated, because I am not allowed to  
10 participate in the drug program; due to the fact, I have  
11 no drug use history. Thereby, I cannot receive an extra  
12 one (1) year off, and extra early release to a halfway  
13 house, pursuant to 28 CFR § 550.58. Shamefully, the  
14 Judge still ordered my Supervised Release conditions to  
15 require drug and alcohol testing, "Because [I am] Black."  
16 I am demanding to be allowed to enroll in the residential  
17 drug program.

18 FOURTEEN — Victorville Federal Prison  
19 Camp has a "pattern & practice" of violating BOP policy,  
20 and then, retaliating against any inmate that complains.  
21 Among other things, the law library has not been updated  
22 since around 2004; legal mail is distributed as regular  
23 mail; the work release program (18 U.S.C. § 3622(c)) is  
24 not allowed; prescribed medications are denied; mail is  
25 distributed by inmates and/or distributed to inmates  
26 other than the addressee; and sometimes, outgoing and  
27 incoming mail is NOT processed for days. Therefore, I  
28 request the prison be ordered to comply with policy.

1 FIFTEEN — I am entitled to "at least" one  
2 (1) year of additional jail credit; which would bring my  
3 release date to about one (1) month ago. First, contrary  
4 to the standard practice, I did not receive credit for  
5 court dates, on which I was ordered to appear in court;  
6 my arraignments; nor the trial dates. Second, I must  
7 receive credit for the over six (6) months I wore an  
8 ankle bracelet, because the ankle bracelet was solely a  
9 punishment. (SEE, U.S. v. Howard, 429 F.3d 843, 851 (9<sup>th</sup> Cir.  
10 2005) (If a restriction or condition is NOT reasonably related  
11 to a legitimate goal, then a court may infer it is a  
12 punishment). Third, I must receive credit for every day  
13 I had to report to pretrial services, because I had to  
14 drive nearly 70 miles; was in custody and was not free to  
15 leave; and some days I waited there nearly all day.

16 SIXTEEN — I was denied my 6<sup>th</sup> A. right  
17 to an impartial jury, and also, there was illegal jury  
18 tampering. First, on 10-8-04, the U.S. Marshals wanted to  
19 go home early, for the three (3) day, Columbus Day, Holiday  
20 weekend, so they denied the jury lunch and told the jury to  
21 hurry up and render a verdict. Second, the jury saw my  
22 ankle bracelet. Third, the Judge berated me to the jury,  
23 while I was absent from the courtroom. (SEE, 10-7-04  
24 A.M. TRANSCRIPT, where the Judge yells to the jury, "Is Ms.  
25 Glass going to appear today!?!"). Fourth, the venue was  
26 fraudulently manipulated, so that both the grand jury,  
27 and trial, were held in an area where no black people would  
28 be in the jury pool; because I am black. Fifth, the



1 jury instructions were improper; an improper standard of  
2 proof was used; and the Judge wrongfully instructed the  
3 jury to find me in default, and convict me based on this  
4 default. (SEE, GIBSON v. ORTIZ, 387 F.3d 812, 823 (9<sup>th</sup> Cir.  
5 2004)) (Granting Writ of Habeas Corpus, because it was  
6 improper to present to the jury, an exception to the correct  
7 standard of proof; and it was improper to offer this  
8 exception as a possible means of conviction)).

9 SEVENTEEN — My 5<sup>th</sup> A. Right to be free  
10 from self-incrimination and my 4<sup>th</sup> A. Right to be free  
11 from warrantless searches and seizures, were both  
12 violated. First, on 12-1-03, I was interrogated about the  
13 charges, by the Judge. Later, I was seized. Then, the  
14 car I was driving, and all of my belongings were  
15 seized and searched. The Ninth Circuit later declared,  
16 this was an unlawful arrest. (SEE, U.S. v. GLASS, 361  
17 F.3d 580 (9<sup>th</sup> Cir. 2004)). Subsequently, the Gov.'s fruits  
18 of the poisonous tree were used to obtain several  
19 superseding indictments, and convict me.

20 Second, in 2002, the alleged bank fraud  
21 victim in Count 3, Megan Clevenger, became an agent  
22 for the FBI, and conducted several illegal warrantless  
23 searches and seizures of financial records, that Ms.  
24 Clevenger testified were not hers. Thereby, Ms.  
25 Clevenger had no legal right to access these records.

26 EIGHTEEN — In violation of my 5<sup>th</sup> A.  
27 due process rights, "material" false evidence was  
28 used against me, including, but not limited to, false

1 U.S. Post Office certification of a P.O. Box; false  
2 testimony; and unauthenticated pages from an internet  
3 website. Also, Brady evidence was hidden, and much  
4 Brady evidence remains hidden to date. However, less  
5 than a month before trial, thousands of pages of  
6 documents were belatedly turned over. Of course,  
7 Ms. Glass did Not have the time, nor the resources, to  
8 go through these documents. Additionally, JENCKS  
9 witness statements were never turned over. Moreover,  
10 the Gov. falsely stated, certain handwriting samples were  
11 known. Furthermore, I was barred from presenting  
12 any exculpatory evidence at trial or sentencing;  
13 and what little circumstantial evidence the Gov. had,  
14 was ALL obtained from the Gov.'s illegal searches  
15 and seizures, and illegal break-ins at my home.

16 NINETEEN— The trial judge was bias  
17 and vindictive, because I repeatedly went on television  
18 and described how he had sexually harassed me, and  
19 stole the car I was driving on 12-1-03. Then, the  
20 Judge became more enraged when his bogus contempt  
21 order was overturned by the Ninth Circuit. (SEE,  
22 U.S. v. GLASS, 361 F.3d 580 (9th cir. 2004)). Among other  
23 things, the Judge bragged about conducting his own  
24 investigation; and used evidence he obtained  
25 through extrajudicial investigations and interviews.  
26 Also, the Judge, repeatedly, fraudulently tampered with  
27 transcripts and the official record. Also, the Judge  
28 lied about evidence, and the Judge "secretly" told the



1 court clerk not to file any of my submissions.

2 In addition to exposing the trial judge in  
3 the documentary "PERVERT: THE HISTORY OF SEXUAL  
4 HARASSMENT LAW;" I have made three (3) complaints to  
5 the Ninth Circuit Judicial Council, against this Judge,  
6 (which are still pending.) (SEE, NINTH CIRCUIT Nos. 07-89047  
7 & 07-89094).

8 TWENTY — In violation of the 8<sup>th</sup> A.  
9 & 5<sup>th</sup> A., I was given a disparate sentence; which  
10 amounts to cruel and unusual punishment, because my  
11 sentence does not reflect an individualized assessment  
12 of my culpability. (SEE, SOLEM v. HELM, 463 U.S. 277,  
13 284, 103 S.Ct. 3001, 3006, 77 L. Ed. 637 (U.S. 1983) (A  
14 reviewing court may overturn a sentence that  
15 is so disproportionate to the offense, it constitutes  
16 cruel and unusual punishment.)). Among other things,  
17 my sentence is 1,500 % higher than similarly  
18 situated defendants, and the Judge admitted, my  
19 punishment was based on my publicizing that  
20 he had sexually harassed me. Additionally, I was  
21 subjected to bogus restitution and forfeiture orders,  
22 and unjustified, lengthy, supervised release conditions.

23 Clearly, my sentence was a sham,  
24 because, among other things, not a single disputed  
25 fact was ever settled by the Court; I was denied a  
26 presentence investigation; the PSR was false and  
27 contradicted itself, as well as, contradicted the Gov.'s  
28 position; there was no proof of loss; and the Gov. was



1 NOT required to satisfy its burden of proof by  
2 a preponderance of the evidence.

3 Moreover, on 3-23-05, at my sentencing  
4 hearing, the Judge admitted, on the record, "The  
5 normal sentence is 24 months." (SEE, 3-23-05 TRANSCRIPT)

6 Furthermore, in violation of the 8<sup>th</sup> A., I  
7 have been subjected to cruel and unusual punishment,  
8 because I have been denied necessary medical care,  
9 and I have been victimized by both inmates and officers,  
10 while incarcerated. Currently, I am on "chronic care"  
11 medical status, and I have fatal health issues, the  
12 Prison has been unable to address. (U.S. v. GARCIA, 340  
13 F.3d 1013, 1019-1020, 1022 (9<sup>th</sup> Cir. 2003).

14 TWENTY-ONE — The cumulative effect  
15 of all the claims herein, turned my trial in to a sham  
16 and a circus, which the District Court acknowledged had  
17 an audience that was "standing room only." (SEE,  
18 10-7-04, A.M. TRANSCRIPT OF TRIAL, page 6, lines 2-5, where  
19 the Judge says, "This case has becoming [sic] somewhat  
20 infamous, and I have had people crowding into the  
21 courtroom from the private bar and the U.S. Attorneys  
22 office to watch this because it's become so well-known.>").

23 Clearly, the Judge has no respect for  
24 the law, in my case. Otherwise, the Judge would not  
25 have fraudulently tampered with transcripts  
26 and the record. Apparently, the Judge does not believe  
27 Black Women, such as myself, have constitutional rights.  
28 (SEE, 3-3-04-docket 147; 3-22-04-docket 170; 3-22-04-docket 171;

1 and 10-29-04-docket 290; all regarding the transcripts and  
2 the record being fraudulently tampered with).

3 Certainly, the Constitution is violated when  
4 a defendant is subjected to a sham-circus trial, where  
5 the rules of law are disregarded, and the Judge's  
6 decisions are based on his personal motives.

7 Without a doubt, a Writ must issue when  
8 the Judge admits in open court, on the record, that he  
9 is purposefully holding the Defendant illegally. A true  
10 and correct copy of the 12-2-03 Transcript where the  
11 Judge states, "you are being held illegally" is attached  
12 as EXHIBIT "A" and is incorporated herein by this reference.

13 Further, any of the aforementioned claims  
14 standing alone, requires a writ issue. The cumulative effect  
15 of all these claims taken together, makes it an outrageous  
16 injustice if a writ does not issue forthwith.

### 17 CONCLUSION

18 Therefore, I request this Petition be granted  
19 forthwith, and a Writ issue ordering my immediate release.

20 Alternatively, I request immediate modification of my  
21 custody status, ordering my release to a halfway house,  
22 pending further briefing and the Respondents' response.

23 (SEE, Marino v. Vasquez, 812 F.2d 499, 507-08 (9th Cir. 1987)

24 ("The federal court's authority to release [Ms. Glass] on  
25 recognizance or surety in the course of a habeas

26 corpus proceeding derives from the power to issue  
27 the writ itself."); SEE ALSO, Hertz, Randy, and Liebman,

28 James S., Federal Habeas Corpus Practice and Procedure,

1 5<sup>th</sup> ed., Matthew Bender & Company, Inc., Newark,  
2 N.J., 2005: Section 14.2 Release on Recognizance or  
3 Surety, Page 769.

4 It is true, the attached petition does not  
5 detail all of Ms. Glass' claims. However, Ms. Glass argues,  
6 her incarceration is so clearly illegal, it does not require  
7 much, to prove a writ must issue forthwith. Currently,  
8 Ms. Glass does not have the record and transcripts, and  
9 therefore, she has done the best she could in preparing  
10 this Petition.

11 Therefore, Ms. Glass requests this judge  
12 issue a writ, forthwith. (28 U.S.C. § 2243, paragraph  
13 1 states, "A court, justice or judge entertaining an  
14 application for a writ of habeas corpus shall  
15 forthwith award the Writ..."). Should this court  
16 not have enough information to forthwith award  
17 the writ, Ms. Glass requests the Court order  
18 Respondents to provide her with necessary  
19 parts of the record, pursuant to 28 U.S.C. §§  
20 2249 and 2250, and Ms. Glass will request  
21 leave to amend her petition.

22 I, Leigh-Davis Glass, declare under  
23 penalty of perjury under the laws of the United  
24 States of America, the foregoing petition is true  
25 and correct.

26 Date: 31-08-08 <sup>17th</sup><sub>3808</sub>

27 BY: L.D. Glass

28 Leigh-Davis Glass  
Petitioner

(17 of 17)



SACR 02-031 DOC

December 2, 2003

34

1 MS. FREEMAN: Yes.

2 THE COURT: Okay, 10:00 a.m.

3 Now, just a moment.

4 (Discussion held off the record.)

5 THE COURT: Back on the record.

6 I'm available, Ms. Freeman, all day Friday, but on  
7 Monday I have a very limited period of time, so it's about one  
8 hour, and I can take the matter for an hour, but that's all the  
9 time I have on that day, and then I'm not available until  
10 Friday of that week, which would be December 12th, if we don't  
11 finish. So everybody is forewarned, although I can take the  
12 matter Friday.

13 You are not available; is that correct?

14 MS. FREEMAN: That's correct, your Honor. I am out of  
15 town.

16 THE COURT: Okay.

17 (Discussion held off the record.)

18 THE COURT: All right, then, counsel.

19 Now, Ms. Glass, you have the right, and I think it's  
20 the Court's responsibility to sentence you on today's date. In  
21 my opinion, you are being held illegally at the present time,  
22 unless I impose sentence. Is it your request and with your  
23 personal consent that this matter goes over so your counsel has  
24 some additional time to do research. I know she wants to  
25 persuade the Court again, and I'd like to pay her that

*Admits to illegal  
holding.*

EXHIBIT "A"

000134

"A"

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CRIMINAL MINUTES - GENERAL

Case No: SA CR02-331(D) DOC: \_\_\_\_\_ Date: November 17, 2004  
PRESENT: HONORABLE DAVID O. CARTER, JUDGE

Kristee Hodgkins Debble Gale Robert Keenan  
Deputy Clerk Court Reporter Asst. U.S. Attorney

U.S.A. vs. (Defets listed below) Attorney for Defendants

1) LEIGH DAVIS GLASS, PRO SE 1) G. David Haight (advisory)  
X pres X custody bond X pres X appt retnd

PROCEEDINGS: 1. DETENTION HEARING  
2. MOTIONS HEARING

The matter is called. Counsel recite their appearances.

Court rules on written and/or oral motions submitted by defendant as follows:

Notice to Clerk to protect the official record and serve subpoenas and subpoenas forthwith to stop tampering with the official record is DENIED without prejudice pending further evidence of wrongdoing.

Motion to Court for tentative ruling if and when conviction is overturned and when Ms. Glass is entitled to money damages for malicious prosecution and being held unconstitutionally on a void conviction is DENIED.

Ex parte application for order directing MDC Los Angeles to put attorney G. David Haight's telephone number on defendant's phone list forthwith is GRANTED. G. David Haight (Counsel), Fred Krasco (Private Investigator), and Maria Marroquin (Counsel's Secretary) shall be added to defendant's telephone list.

Motion to order former standby counsel John Barton to turn over work-product, case notes and contact information for investigator, experts, etc. is DENIED.

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EXHIBIT "B"

Motion to sanction Joan Freeman and John Barton for: (1) delaying the turn over of defendant's file; (2) refusing to turn over key information regarding defendant's case; (3) abruptly withdrawing from case without regarding for defendant's and (4) failing to wind-up affairs is DENIED.

Motion for immediate release due to: (1) jail's violation of Court's order and fatal state of Ms. Glass' health; (2) impediment to Ms. Glass' defense and right of appeal and (3) immense foreseeable damage is DENIED.

Motion for new trial is delayed until the time of sentencing.

Motion for judgment of acquittal pursuant to Rule 29 is DENIED as the Court finds that defendant had consciously chosen not to participate in proceedings.

Motion to arrest judgment pursuant to Rule 34(a) (2) is DENIED as the Court does not have jurisdiction of any of the charged offenses.

Motion to declare mistrial and strike every witnesses' testimony is DENIED.

Motion under 28 USC 2255 is not ruled on as the motion is premature.

Courtroom cleared for closed hearing regarding paralegal fees. Court orders closed portion of transcript sealed, to be opened by Court order.

Discussion between Court, defendant and advisory counsel regarding defendant's medical needs. Advisory counsel shall submit a proposed order under seal regarding defendant's specific medical needs and/or required medications while at MDC.

While incarcerated at MDC, Defendant shall receive any needed medical care and/or medications, as previously provided by her private doctor(s).

Court orders medical records faxed to this Court by planned Parenthood sealed.

Detention Hearing is continued to November 23, 2004 at 8:00 a.m.

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